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PTO/SB/21 (02-04)

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## TRANSMITTAL FORM

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<b>TRANSMITTAL FORM</b> <i>(to be used for all correspondence after initial filing)</i>	Application Number	09/862,914	
	Filing Date	MAY 22, 2001	
	First Named Inventor	DANIEL J. MAGINE, ETAL	
	Art Unit	3662	
	Examiner Name	PIHULIC, DANIEL T.	
Total Number of Pages in This Submission	74	Attorney Docket Number	DJM 0001

ENCLOSURES (Check all that apply)			
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input checked="" type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/ Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation <input type="checkbox"/> Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____	<input type="checkbox"/> After Allowance communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input type="checkbox"/> Other Enclosure(s) (please identify below):	
Remarks			
<i>Post Card.</i> <i>Amendment includes:</i> <i>4 pgs. response letter.</i> <i>69 pgs. claims 183-412.</i>			
SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT			
Firm or Individual name	DANIEL J. MAGINE		
Signature	<i>Daniel J. Magine</i>		
Date	4-5-04		

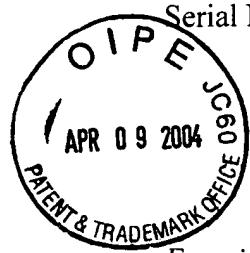
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Typed or printed name	DANIEL J. MAGINE		
Signature	<i>Daniel J. Magine</i>	Date	4-5-04

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Serial No. 09/862,914 – Magine, et al.

PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

*Examiner:* Daniel Pihulic  
(703) 306-4168 (ph), (703) 872-9326 (fax: non-final response)  
*Inventors:* Daniel J. Magine and Kevin D. Kaschke  
*Docket No.:* DJM0001 *Priority Date:* None  
*Appln. No.:* 09/862,914 *Group Art Unit:* 3662  
*Filing Date:* May 22, 2001  
*Entitled:* Underwater Alert System

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Daniel J. Magine  
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April 1, 2004

**Amendment and Response**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**A. Present Office Action**

1. Responsive to the Office Action dated March 3, 2004 for the above-identified patent application, the Applicant hereby submits the present amendment and response within the one month period set to expire on April 3, 2004.

2. The Examiner objected to the Applicant's reply filed on November 21, 2003 because the numbering of the claims is not in accordance with 37 CFR 1.126, which requires the original numbering of the claims to be preserved throughout the prosecution, and because a complete listing of all of the claims is not present in accordance with 37 CFR 1.111.

**B. Status of the Application Before the Present Office Action**

1. Claims 1-182 were pending in the application before the Applicant's reply filed on November 21, 2003.

2. The Examiner allowed claims 1-132 and 166-178.

3. The Examiner withdrew the allowance of claims 133-165 in view of newly discovered reference Cochran DiveMaster and Nemesis IIa.

4. The Examiner rejected claims 133-138, 151, 152, 155, 156, 158, 159, 163, 165, and 179-182 under 35 U.S.C. 102(b) as being anticipated by the Cochran DiveMaster and Nemesis IIa dive instruments.

5. The Examiner objected to claims 139-150, 153, 154, 157, 160-162, and 164 as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

C. Applicant's response to the Present Office Action

1. The Applicant cancels, without prejudice, claims 1-182, and adds new claims 183-412, including 21 independent claims and 8 multiple dependent claims 295, 296, 376-381, in the present amendment.

2. The Applicant has already provided the appropriate fee for the newly added claims with Applicant's reply filed on November 21, 2003.

3. No new matter has been added by this amendment.

4. New claims 183-412 correspond to prior claims 1-230 Applicant's reply filed on November 21, 2003. Hence, the claims 1-230 in Applicant's reply filed on November 21, 2003 provide a marked up version showing additions as underlined and deletions as a strikethrough for the Examiner's reference. In 4a and 4b below, the claims numbers in parentheses describe the corresponding prior claims.

a. New claims 183-321 (prior claims 1-139) generally claim the mask alert concept disclosed in the present application as the first and second embodiments.

The Applicant added new claims 183-321 (prior claims 1-139) to represent previously added dependent claims closer to the claims on which they depend, to amend some of the claims 183-321 (prior claims 1-139) to correct for antecedent basis, and to add some new claims among claims 183-321 (prior claims 1-139). The Examiner previously allowed all of the previously presented claims related to the mask alert concept disclosed in the present application as the first and second embodiments. Therefore, claims 183-321 (prior claims 1-139) should be allowable.

b. New claims 322-412 (prior claims 140-230) generally claim the dive computer data concept disclosed in the present application as the third embodiment.

The Examiner rejected, objected to, and allowed some of the previously presented claims related to the dive computer data concept disclosed in the present application as the third embodiment, as noted above.

Independent claims 322, 349, 373, 374, and 375 (prior claim 140, 167, 191, 192, and 193) should now be allowable, since they are based on new claim 339 (prior claim 157), which was objected to by the Examiner.

Independent claim 355 (prior claim 173) should now be allowable, since it is based on new claim 348 (prior claim 166), which was allowed by the Examiner, and previously new 336 (prior claim 154), which was objected to by the Examiner.

Independent claim 382 (prior claim 200) should now be allowable, since it is based on new claims 328 and 332 (prior claim 146 and 150), which was objected to by the Examiner.

Independent claim 388 (prior claim 206) should now be allowable, since it is based on new claim 321 (prior claim 139), which was objected to by the Examiner.

Independent claim 391 (prior claim 209) should now be allowable, since it is based on new claim 323 (prior claim 141), which was objected to by the Examiner.

Independent claim 397 (prior claim 215) should now be allowable, since it is based on new claim 335 (prior claim 153), which was objected to by the Examiner.

Independent claim 398 (prior claim 216) should be allowable because the Cochran DiveMaster/Nemisis II references do not teach or suggest, alone or in combination, the claimed first and second identity selection devices used in combination with the claimed transmitter and the receiver assemblies, as claimed.

Independent claim 401 (prior claim 219) should be allowable because the Cochran DiveMaster/Nemisis II references do not teach or suggest, alone or in combination, the receiver assembly, including a second dive computer and a display adapted to display the first dive computer data and/or the second dive computer data, used in combination with the claimed transmitter assembly, as claimed.

Independent claim 407 (prior claim 225) should be allowable because the Cochran DiveMaster/Nemisis II references do not teach or suggest, alone or in combination, the receiver assembly, including a second dive computer and a display adapted to display the first dive computer data and/or the second dive computer data, as claimed.

assembly, including a second dive computer and a display adapted to display the first dive computer data and/or the second dive computer data, as claimed.

5. The Applicant submits that all of the present claims are now in a condition for allowance, and hereby request reconsideration of allowance.

6. Any inquiry related to this response should be communicated to Daniel J. Magine at the address and phone number presently on file with the USPTO.

Respectfully submitted,  
Daniel J. Magine, et al.

By: Daniel J. Magine  
Daniel J. Magine  
4-5-04